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AMNESTY INTERNATIONAL BRIEFING ON EAST TIMOR

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The award of the Noble Peace Prize to East Timorese leaders Bishop Belo and Jose Ramos Horta serves as a reminder that the human rights situation in East Timor remains extremely grave. Arbitrary detention, torture and ill-treatment are a fact of daily life and "disappearances" and political killings also continue. These violations are, for the most part, not investigated and the perpetrators, with rare exceptions, have not been brought to justice. This failure to investigate human rights violations and to hold those responsible to account has created a climate of virtual impunity, where members of the security forces are effectively free to commit further violations in the future.

The monitoring of human rights abuses is severely hampered because the Indonesian Government continues to deny access to many international and domestic independent human rights monitoring organizations, including Amnesty International. The international media is also, with few exceptions, denied access to East Timor.

In addition, the people of East Timor are being failed by the international community which, mindful of its economic and political relations with Indonesia, has been prepared to ignore the reality of daily human rights abuses in East Timor. Instead, it has opted to accept uncritically the Indonesian Government's limited concessions on human rights which have done little to protect the rights of the East Timorese people from further violations.

Amnesty International's main concerns in East Timor are:

- **Prisoners of conscience**

There are at least 20 East Timorese prisoners of conscience serving sentences of up to life imprisonment. They include seven people imprisoned in connection with the Santa Cruz massacre which took place on 12 November 1991 when members of the Indonesian security forces opened fire on a peaceful procession killing up to 270 people. Amnesty International believes that they were imprisoned solely for the peaceful expression of their views and continues to call for their immediate and unconditional release.

- Arbitrary detention of political activists

People engaging in demonstrations, human rights defenders, peaceful political activists and others suspected of holding pro-independence views are subjected to arbitrary detention. They are commonly detained by members of the military, without arrest warrants, and are denied

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access to legal representatives and to members of their families. At least 300 East Timorese are believed to have been subjected to arbitrary detention in 1996. They include five youths who were arrested by the security forces on 6 November 1996 because they are thought to have disseminated information about the killing of two civilians by the military in September. Three others were arrested during the same month after participating in a peaceful pro-independence demonstration outside the Catholic Diocese in Dili on the occasion of a press conference by Bishop Belo.

- **Torture of detainees**

Torture and ill-treatment of political detainees in East Timor is routine. The risk of torture is heightened because detainees are frequently denied access to lawyers, their families and members of the medical profession while in custody. Jose Antonio Belo who was arrested after a peaceful demonstration outside the University of East Timor in Dili in January 1995 was severely tortured during interrogation including being beaten with a metal pipe, burned with cigarettes and subjected to electric shocks. He was also tied by his wrists with ropes and hung from the ceiling. Jose Antonio Belo was found guilty of "expressing feelings of hostility, hatred or contempt towards the government" and was sentenced to one year six month's imprisonment. He was released in May 1996.

- **Extrajudicial executions and "disappearances"**

Political killings and "disappearances" continued to be reported in East Timor. In September, two men were reportedly shot by the military as they stopped at a military checkpoint on a road to the East Timorese town of Viqueque. Ildefonso de Deus dos Santos was believed to have "disappeared" after he was detained by a gang of youths believed to be acting with the complicity of the military near the town of Ermera.

- **Unfair trials**

Elements of unfairness during political trials in East Timor include denial of access to lawyers; withholding information from the defendants about the timing of trials; use of testimonies during trials which are often extracted under torture and without lawyers being present; and refusal to hear witnesses for the defence. In some cases, defendants have been intimidated into refusing legal representation during their trials.

In 1996, 21 East Timorese were sentenced to prison terms ranging from eight months to two years and three months for their alleged role in riots in the town of Baucau in June 1996. The 21 are not believed to have had legal representation during their trials and were not given information about the scheduling of their trials.

- **Failure to investigate human rights violations**

There has been a failure to consistently, impartially and thoroughly investigate human rights violations by members of the Indonesian security forces. Some incidents of extrajudicial executions have recently been investigated and individuals tried in military courts, but many other killings and "disappearances" remain unresolved. Among the cases which have not been investigated is the killing of between two and five people in Baucau in January 1995. In addition, the Indonesian Government has yet to account for more than 200 people who "disappeared" after the Santa Cruz massacre and has also failed to carry out impartial and

thorough investigations into the killings which took place. No case of torture in East Timor is known to have been investigated.

In January 1996 the Indonesian National Commission on Human Rights established an office in Dili. Amnesty International welcomed this step. However, limitations on the Commissions' power and functions mean that its role in the greater protection of human rights in East Timor must necessarily be limited, and that it cannot be a substitute for international, independent monitoring.

- **East Timor and the international community**

In recent years, the international community has adopted a "soft approach" on East Timor. Although Indonesia has failed to implement past recommendations made by United Nations Commission on Human Rights (UN CHR), UN member states have in the last three years accepted uncritically the Indonesian Government's vague promises of cooperation and greater openness - promises which have borne little fruit. This approach at the UN CHR has resulted in the adoption of Chair's statements since 1994, negotiated with the Indonesian Government, which fail to address the evident lack of genuine will by the Indonesian Government to implement recommendations contained in previous statements and the 1993 UN CHR resolution on East Timor.

- **East Timor and the United Nation High Commissioner on Human Rights**

In December 1995, the United Nations (UN) High Commissioner for Human Rights visited Indonesia and East Timor. Recommendations made by the High Commissioner to the Indonesian Government have so far not been acted on.

One recommendation - that a UN human rights presence be established in East Timor - was drastically watered down at the 1996 UN Commission on Human Rights (CHR), when Indonesia agreed to "*provisionally look into the possibility of the High Commissioner assigning a programme officer... in order to follow-up the implementation of the technical cooperation agreement*". Amnesty International considers this to be insufficient and has repeatedly stated that, if a UN office in Indonesia is to have any impact at all on the human rights situation either in Indonesia or East Timor, it should meet certain minimum requirements including a clearly defined monitoring function, full and unimpeded access to all areas of Indonesia and East Timor, and public reporting on its findings which should be made available to the UN CHR.

- **UN talks on East Timor**

The ninth round of UN sponsored talks between the Governments of Indonesia and Portugal are due to take place in December 1996.

At previous rounds of the talks, the Indonesian Government has stated its recognition of the need to improve the human rights situation in East Timor. At the end of each set of talks a statement is released which indicates that little attention is paid to human rights, and no action results to stop the torture, arbitrary arrests, political killings and "disappearances".

Amnesty International believes that any discussion concerning the future of East Timor must have at its core the protection of the human rights of the East Timorese.
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